

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

BEVERLY GREEN,

Plaintiff,

:

Case No. 3:08-cv-122

-vs-

Chief Magistrate Judge Michael R. Merz

:

CITY OF XENIA, et al.,

Defendants.

DECISION AND ORDER

This case is before the Court on Defendants' Motion for Judgment on the Pleadings (Doc. No. 7). An oral hearing was held on the Motion by telephone at 2:30 p.m. on Wednesday, August 6, 2008; trial attorneys for all parties participated.

The case has previously been referred to the undersigned under 28 U.S.C. § 636(c) for adjudication of all matters.

Plaintiff concedes that the Complaint does not state a claim for relief against any Defendant under federal law, including without limitation 42 U.S.C. §§ 1983 and 1988. Accordingly, all federal claims made or purported to be made in the Complaint are dismissed without prejudice for failure to state a claim upon which relief can be granted.

All federal claims herein having been adjudicated, the Court declines to exercise supplemental jurisdiction under 28 U.S.C. § 1367 over the state law claims. This case is ORDERED remanded to the Greene County Common Pleas Court, from which it was removed, for adjudication of the state law claims.

The Clerk is ordered to transmit copies of all documents filed herein to Terry Mazur, Clerk of Courts for Greene County, Ohio.

August 6, 2008.

s/ **Michael R. Merz**
Chief United States Magistrate Judge